

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

For rules and forms visit
www.call.uscourts.gov

May 20, 2004

Clarence Maddox
Clerk, U.S. District Court
701 Clematis St., Room 402
West Palm Beach FL 33401

Appeal Number: 03-14374-JJ
Case Style: USA v. Gregory Lawrence
District Court Number: 00-06255 CR-DTKH

The enclosed certified copy of the judgment and a copy of this court's opinion are hereby filed as the mandate of this court.

Also enclosed are the following:

Original Exhibits, consisting of: one psi
Original record on appeal or review, consisting of: three volumes

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

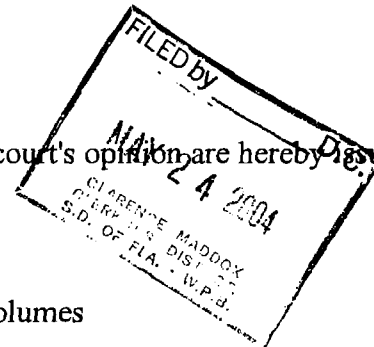
A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being mailed to counsel and pro se parties. A copy of the court's decision was previously mailed to counsel and pro se parties on the date it was issued.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: James O. Delaney (404) 335-6113

Encl.



58
MKK

United States Court of Appeals

For the Eleventh Circuit

No. 03-14374

District Court Docket No.
00-06255-CR-DTKH

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
Apr 21, 2004
THOMAS K. KAHN
CLERK

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

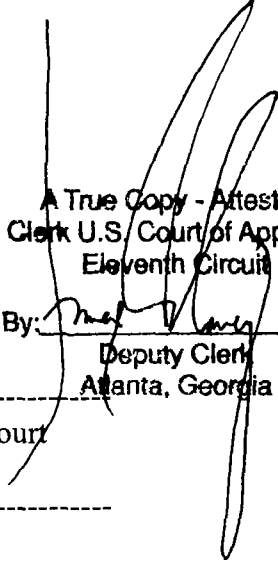
versus

GREGORY LAWRENCE,
a.k.a. Lee Ruben Charlemagne,
a.k.a. Frankie Lafontant,
a.k.a. Jackel Thomas Smith,

Defendant-Appellant.

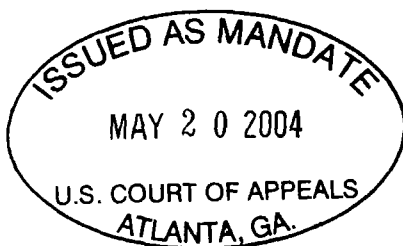
Appeal from the United States District Court
for the Southern District of Florida

A True Copy - Attested
Clerk U.S. Court of Appeals,
Eleventh Circuit

By: 
Deputy Clerk
Atlanta, Georgia

J U D G M E N T

It is hereby ordered, adjudged, and decreed that the attached opinion included herein by reference, is entered as the judgment of this Court.



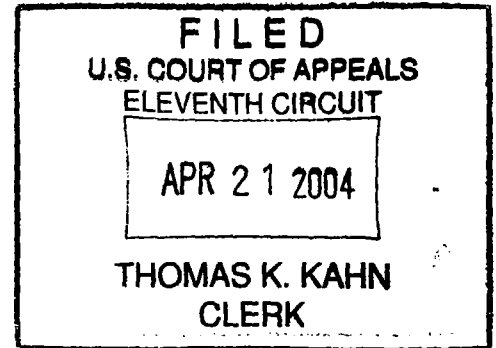
Entered: April 21, 2004
For the Court: Thomas K. Kahn, Clerk
By: Jackson, Jarvis

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 03-14374
Non-Argument Calendar



D. C. Docket No. 00-06255-CR-DTKH

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREGORY LAWRENCE,
a.k.a. Lee Ruben Charlemagne,
a.k.a. Frankie Lafontant,
a.k.a. Jackel Thomas Smith,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(April 21, 2004)

Before BIRCH, DUBINA and CARNES, Circuit Judges.

PER CURIAM:

Gregory Lawrence appeals his sentence of 24 months' imprisonment imposed for violating the conditions of his supervised release. Lawrence argues that the district court abused its discretion in exceeding the sentencing range recommended in Chapter 7 of the Sentencing Guidelines. We affirm.

The district court's decision to exceed the sentencing range recommended in Chapter 7 of the Sentencing Guidelines is reviewed for abuse of discretion. United States v. Wiggins, 220 F.3d 1248, 1249 (11th Cir. 2000). The district court may revoke a term of supervised release and impose a sentence after considering certain factors set forth in 18 U.S.C. § 3553(a), including "the nature and circumstances of the offense and the history and character of the defendant." 18 U.S.C.

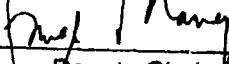
§§ 3553(a)(1), 3583(e)(3); see also United States v. Brown, 224 F.3d 1237, 1240-41 (11th Cir. 2000). Additionally, the district court must consider, but is not bound by, the policy statements of Chapter 7 of the Sentencing Guidelines in imposing a sentence upon the revocation of supervised release. Brown, 224 F.3d at 1242.

Accordingly, so long as the district court considered the Chapter 7 policy statements before imposing a sentence outside of the Chapter 7 recommended range, the sentence will be upheld. See United States v. Hofierka, 83 F.3d 357, 361-62 (11th Cir. 1996); see also United States v. Aguillard, 217 F.3d 1319, 1320

(11th Cir. 2000).

Because the district court considered the sentencing range recommended in Chapter 7, but rejected it after properly considering the relevant factors set forth in § 3553(a), the court did not abuse its discretion in sentencing Lawrence.

AFFIRMED.

True Copy - Attested
Clerk U.S. Court of Appeals,
Eleventh Circuit
By: 
Deputy Clerk
Atlanta, Georgia